

8/16/2012

Bob

Before the committee members visit the BI unit please provide a copy of my Bear Island comments to the entire ORV Committee. This, too, will help them learn about this part of the BICY.

If I can I will post this on the BICY ORV Committee web page.

Thank you
L Jack Moller

BICY – History of Bear Island Unit by L J Moller; August 16, 2012

The State of Florida purchased, for \$40-million, the property to create the Bear Island Unit and gave it to the National Park Service in response to Senator Bible telling the folks testifying before his sub-committee that the State of Florida had to demonstrate their seriousness about creating the Big Cypress National Preserve. He demanded that the State spend \$40-million to demonstrate their desire to protect the Big Cypress Basin.

At a meeting with Cal Stone and his board of directors, which was held at hotel in Coral Gables, in 1975 with Superintendent John Goode we talked about many issues. One of these issues was the building of I-75. At that time there was no planned over pass at Turner River Road the planned I-75. When I asked Mr. Goode about this matter, his response was: "Bear Island would be a good place for no one to go." Of course, we did not agree with this.

Over the years we were able to get the Florida Audubon's agreement with the FL Board of Trustees (BOT) changed and there is now an over pass at Turner River Road so all can enjoy this part of the Big Cypress National Preserve.

When the Bear Island Unit opened up to the public the Florida Fish Wildlife and Conservation Commission (then the Florida Game Commission) managed ORVs in the entire BICY. Their rules did not allow the use of ORVs in a dispersed manner but required operators of ORVs to only use existing ORV trails. The sportsman of the day followed these rules. It was not long before Superintendent Fred Fagergren read the enabling act and figured out that the NPS was supposed to manage ORVs. His first act was to require a free-good-for-life NPS ORV permit. He also changed the rules of ORV operation in Bear Island to allow the operation of ORVs off established ORV trails. Sportsmen ask him not to take this action but he did it, anyway. During these years of open running the cattlemen of Bear Island used their ORVs to manage their cattle. They too used their ORVs wherever they desired.

After the FWC biologist retired he told me that the NPS removed the keep ORV on established trails in Bear Island so that the users would create a need to take actions as the NPS has taken.

Fagergren created an ORV trail system in the Bear Island unit because of the FL panther. He used a study done by a researcher. We worked with Fagergren for three years to develop and adjust this new NPS approved trail system.

Superintendent Hibbard took no actions to maintain the trail system that was developed by Fagergren. Hibbard was sued because he refused to create an ORV management plan. He lost but then refused to spend the money to comply with judge's ruling. Instead of spending his money on this project he spent it on planning and developing front country camping facilities for winter tourist who had big expensive motor homes. He also spent this money on planning the conversion of US 41 to a National Scenic Highway.

Hibbard was moved to the NPS SE Regional office and Donahue came in. He took a good and old established ORV trail system in Bear Island and turned it into what we have today. He used the same

study Fagergren had used to drastically reduce the established NPS trail system. He also used a graduate student panther study that lawyer friends of mine said would not stand the test of a court challenge.

The newest round of actions demonstrates how poorly many NPS leaders all the federal laws they are required to comply with. Supertendent Gustin should have known the NPS was required to comply with NEPA before she opened what is known as the yellow and blue trails. Even though these trails were in place long before the creation of the BICY unit, long before the trail system that Fagergren established, even though the ACOE says they do not manage ORVs the NPS leadership should have known that they have to comply with NEPA. Was this act of none compliance an oversight, an accident, or a planned strategy that would lead to Judge Steel's decision? A decision which the NPCA is now going to use in their favor as we move forward in getting the NPS to comply with the Amended BICY Act and give back what they have taken from the sportsman of America.